

**ORIGINAL**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

C.A. NO. 04-11958-RGS

\*\*\*\*\*  
MARTIN J. GALVIN, JR. ED.D, )  
Plaintiff; )  
vs. )  
THE TOWN OF YARMOUTH, )  
PETER L. CARNES AND STEVEN XIARHOS, )  
Defendants. )  
\*\*\*\*\*

DEPOSITION OF MARTIN J. GALVIN, a  
witness called on behalf of the Defendant,  
pursuant to the provisions of Rule 30 of the  
Massachusetts Rules of Civil Procedure,  
before Meredith A. Fairbanks, a Notary Public  
and Shorthand Reporter in and for the  
Commonwealth of Massachusetts, at the offices  
of Brody, Hardoon, Perkins & Kesten, One  
Exeter Plaza, Boston, Massachusetts 02116, on  
Friday, November 4, 2005, commencing at 10:25  
a.m.

DUNN & GOUDREAU COURT REPORTING SERVICE, INC.  
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Boston, Massachusetts 02109  
Telephone (617) 742-6900

1 level.

2 Q. And then when the regular supervisor was able  
3 to return to work, you went back to your job?

4 A. Yes.

5 Q. When did you leave the West Haven schools?

6 A. '73.

7 Q. Where did you go?

8 A. Waterbury.

9 Q. Now, we've just covered your employment  
10 between 1968 and 1973. During that time  
11 frame, were you in school?

12 A. Yes.

13 Q. Tell me what you did with respect to your own  
14 schooling?

15 A. Well, I was in, I got my master's during that  
16 time frame and I was working on a sixth year  
17 in administration and supervision.

18 Q. Let me ask you about your master's first.  
19 Where did you get your master's degree?

20 A. Southern. Same school.

21 Q. And what was it in?

22 A. Teaching English.

23 Q. What year did you achieve the degree?

24 A. It had to be around '71-'72. In that area.

1 Q. Can you explain that?

2 A. It's three credits beyond the master's. In  
3 the state of Connecticut, you have to have  
4 that to be an administrator. Once you  
5 achieve 15 credit hours and you're in a  
6 sixth-year program, you can get a certificate  
7 for becoming an administrator.

8 Q. So your goal was to become an administrator?

9 A. Correct.

10 Q. And did you go into that certification  
11 program immediately after finishing the  
12 master's?

13 A. Yes.

14 Q. Do you know when you achieved it?

15 A. I graduated, I believe, with the sixth-year  
16 degree, it could have been at the end of '73  
17 or '74. I was employed in Waterbury at that  
18 point.

19 Q. And this isn't, technically, it's not a  
20 degree. It's more of a certification that  
21 you use that the public school systems or the  
22 state requires in order to move you up?

23 A. Yeah. But it's also a degree. In the field  
24 of education, they call it sixth-year

1 professional degree.

2 Q. Really?

3 A. Yeah. I don't know if it's the same in  
4 Massachusetts, but that's what it is in  
5 Connecticut.

6 Q. What was the school that you went to for  
7 that?

8 A. Southern.

9 Q. Southern Connecticut again?

10 A. Yes.

11 Q. What was your first job with the Waterbury  
12 Public Schools?

13 A. Supervisor of Special Ed.

14 Q. And that was a job that you needed to have  
15 your provisional sixth-year certification  
16 for?

17 A. Right. I have the 15 credits.

18 Q. Did this job involve any teaching?

19 A. No, it did not.

20 Q. So what were your duties?

21 A. Well, I was assigned -- Waterbury is a large  
22 district. At that point, it was probably  
23 14,000 kids. I was assigned X amount of --  
24 there was three supervisors, so you divided

1           that went from preschool, actually, right  
2           through grade 12. We had preschool on  
3           premise.

4           And I also had part of the alphabet. The  
5           alphabet of the student body would be divided  
6           up into thirds and that was my discipline  
7           responsibilities.

8       Q.    Okay. Did you like that job?

9       A.    Yes.

10      Q.    And how long did you stay in it?

11      A.    Three years.

12      Q.    What happened in 1993?

13      A.    '93 the principalship of two high schools  
14           became vacant due to retirements, so I threw  
15           my hat into that and they appointed me high  
16           school principal and assigned me to Wilby  
17           High School.

18      Q.    Who is responsible for deciding who becomes  
19           the principal, the superintendent or the  
20           Board of Education?

21      A.    Both.

22      Q.    Superintendent selects somebody and then the  
23           Board of Education has veto power. Is that  
24           how it works?

1           you probably could not see someone here.

2       Q.    Okay.

3       A.    Unless you were standing on this side of the  
4           house (indicating).

5       Q.    Did anyone come over?

6       A.    Yes.

7       Q.    Who came over?

8       A.    Bobby, Alfie, Alfie's father-in-law.

9       Q.    What's Alfie's father-in-law's name?

10      A.    I don't know.

11      Q.    Don't remember?

12      A.    I don't remember.

13      Q.    Okay.

14      A.    Yeah. They were trying to calm the thing  
15           down.

16      Q.    Basically, break it up?

17      A.    Yeah. Which they eventually did.

18      Q.    What did they say to you?

19      A.    They just told me forget about it. Let it  
20           go. You know. And, eventually, I calmed  
21           down and continued to walk into the back.

22      Q.    Towards the Chamber house?

23      A.    Right.

24      Q.    What's your best memory of how long you were

1 A. Okay?

2 Q. That then answers my question. Speaking of  
3 waiting to see it in the newspaper, did you  
4 ever see any report in any newspaper that had  
5 anything to do with this Yarmouth Police  
6 incident?

7 A. Did I? No.

8 Q. Are you aware of any discussion of this in  
9 any newspaper?

10 A. I don't always read the -- at that point, the  
11 internet, it wasn't as good as it is now. So  
12 I don't have access to the Yarmouth paper, so  
13 I don't know what was in the Yarmouth paper.  
14 Okay? And I never saw anything personally in  
15 the Waterbury paper.

16 Q. Are you aware, do you have any information  
17 that any newspaper ever published any  
18 information about this incident?

19 A. No.

20 Q. Do you have any information that any  
21 television or radio outlet ever disseminated  
22 the information?

23 A. Not to my knowledge.

24 Q. Was it ever posted on the internet, as far as

1           you know?

2           A.    I have no idea.

3           Q.    So as far as you know, this information was  
4                never broadcast in any journalism, press,  
5                media format to the public at large; correct?

6           A.    I have never personally seen it, no.

7           Q.    And you don't have any other information that  
8                it happened, do you?

9           A.    No. But I, you can put two and two together  
10                what's going on here.

11          Q.    Well, what I'm trying to get at is whether  
12                you have any information whatsoever from any  
13                source that the Yarmouth Police incident was  
14                ever publicized?

15          A.    It was publicized because it was sent to a  
16                non-police officer.

17          Q.    That was a bad question.

18          A.    With, with this statement on it.

19          Q.    Okay. That was a bad question. I'll ask a  
20                different question. Do you have any  
21                information from any source whatsoever that  
22                the Yarmouth Police incident information was  
23                ever broadcast through any medium whatsoever?

24          A.    No.



1 Q. Print, radio, television, internet, anything  
2 else?

3 A. Through a media service? No.

4 Q. Okay.

5 MR. ZAYOTTI: I'm sorry, can I just  
6 clarify, did you say media or medium?

7 MR. CAMPBELL: Medium.

8 A. Oh, medium? Do I have any knowledge?

9 Q. (By Mr. Campbell) Yes. That's my question.

10 A. Right here (indicating).

11 Q. I mean --

12 A. There's a medium of a political-appointed  
13 aide. There's the medium of Mr. Mahaney, an  
14 attorney, and Superintendent of Schools,  
15 Assistant Superintendent of Schools, two  
16 other attorneys, John Gesmonde and Mrs.  
17 Cheney. I don't know how many people saw it.

18 Q. Okay.

19 A. I don't know if board members saw it. I  
20 suspect they did.

21 Q. I think I understand. When is the first time  
22 that you heard that that information had been  
23 sent out to Frank Lombardo or anyone else?

24 A. Again, I wish I had a calendar. I don't know

1 A. Yes.

2 Q. You list James Uberti. He's your primary  
3 care physician?

4 A. Correct.

5 Q. What information does he have?

6 A. Well, he reads newspapers. He was very well  
7 aware of the transfer. As far as this  
8 particular incident, I don't think he has any  
9 knowledge of that, that I know of. He may.  
10 He just knows, knows me.

11 Q. Did he ever provide you with any medical  
12 treatment that arose out of any of the  
13 allegations you're making in your complaint?

14 A. Well, I, prior to the incident and this  
15 whole, there was a lot of things going on;  
16 divorce, the accreditation, this thing. I  
17 had no physical problems other than knee  
18 problem that had been since I was 20 years of  
19 age.

20 At that point, he was very concerned with  
21 my blood pressure was up. The history of my  
22 family is heart attacks. He knew I was under  
23 a lot of pressure and that's where his  
24 interest comes in.

1 Q. Has Dr. Uberti ever told you that you have  
2 any medical condition that's related to what  
3 Yarmouth Police did?

4 MR. ZAYOTTI: Objection.

5 A. I already said he does not have knowledge, to  
6 my knowledge, of that incident. No.

7 Q. (By Mr. Campbell) He doesn't have any  
8 knowledge of what happened in Yarmouth on  
9 July 4th?

10 A. I don't believe so. I never asked him.

11 Q. So his knowledge is of what, your medical  
12 condition in the months after this incident  
13 took place?

14 A. Correct.

15 Q. Okay. And he would say that you were under  
16 stress, and your blood pressure was high?

17 A. Yes. It was obvious all this going on at  
18 once was having an effect. I even had an  
19 event where I spent the afternoon in the  
20 emergency room.

21 Q. When was that?

22 A. That was right around the same time, time  
23 frame.

24 Q. Of July '01 or April '02?

1 A. I would say it was in, in the fall of that  
2 year. I, again, would have to get the  
3 records to make sure I'm giving you the right  
4 date.

5 Q. What was the name of the hospital?

6 A. St. Mary's Hospital.

7 Q. Where is that?

8 A. Waterbury. It was a Friday afternoon.

9 Q. What did you have? Was it an anxiety attack  
10 or something?

11 A. Well, they put a monitor on me. My heart was  
12 going a little crazy. I was light-headed. I  
13 was at school.

14 Q. Were you at the Wilby school when this  
15 happened?

16 A. Yes. School nurse got very concerned because  
17 I, I was just bouncing off of walls. I mean,  
18 I couldn't walk straight and I felt, felt  
19 very strange.

20 Q. What did the doctors tell you had happened to  
21 you?

22 A. They termed it an event. They didn't say it  
23 was a stroke, small stroke, anything like  
24 that. They just said, "You had an event. We

1 can't explain it."

2 Q. Let me ask you a more general question. In  
3 this case, are you saying that you've  
4 suffered any physical manifestations of  
5 injury arising from what the Yarmouth Police  
6 did?

7 A. Am I saying any physical?

8 Q. Yes.

9 A. I would attribute the increase in my blood  
10 pressure.

11 Q. Okay. Has any doctor ever made the  
12 connection between those two things, your  
13 blood pressure and the Yarmouth Police?

14 A. No.

15 Q. I want to ask you about another question  
16 regarding your damages. You say in the  
17 automatic disclosures that Mr. Zayotti gave  
18 me, there's a computation of damages that  
19 Mr. Zayotti put together, which I'll show to  
20 you. Do you see Paragraph C here it sets  
21 forth damages that you've suffered and the  
22 first category is "Loss of Future Earnings  
23 and Benefits: \$100,000"?

24 A. Mm-hmmm.

1 Q. Up to this time, you haven't lost any  
2 earnings at all, have you?

3 A. No.

4 Q. Your income hasn't changed for the worse  
5 anyway; correct?

6 A. Right.

7 Q. Have you gotten any raises since 2001?

8 A. It's contractual raises. One and a half  
9 percent.

10 Q. Every year?

11 A. No.

12 Q. Every three years?

13 A. This was the first year.

14 Q. New contract so you got a one and a half  
15 percent raise?

16 A. No. It's the end of an old contract.

17 Q. Well, in the future, what loss of income do  
18 you expect to experience?

19 A. Well, obviously, I couldn't go and apply for  
20 other positions without having this hanging  
21 over my head. I didn't know how far it went  
22 and who had copies, you know, and who is  
23 going to produce a copy for a future  
24 employer.

1 everyone's salary as some suburban towns do.  
2 They don't do that in urban school districts  
3 that I've ever seen.

4 Q. Okay.

5 A. So I have no means of making comparison.

6 Q. All right. With respect to your divorce, you  
7 allege that your wife got a more favorable  
8 divorce decree than she would have if she had  
9 not been aware of the Yarmouth Police report;  
10 correct?

11 A. Right.

12 Q. Did the judge say that?

13 A. Did the judge say it? To me? No.

14 Q. Did he say it to anyone?

15 A. I don't know.

16 Q. What was the day that you were divorced?

17 A. The final day was August 2002, I believe. I  
18 was served in March of 2001 before the  
19 accreditation process, if I remember  
20 correctly.

21 Q. On the computer we printed off a copy of the  
22 docket for your divorce. It's Cynthia A.  
23 Galvin vs. Martin J. Galvin and this document  
24 says that on July 20th of '01 a judgement of

1 dissolution of marriage, judicial decision  
2 required after full finding and hearing. Do  
3 you see that?

4 A. Okay. Yes.

5 Q. Is that the day that Judge Patroni issued the  
6 decree?

7 A. That was the final date.

8 Q. Okay. That's July 20th and you were arrested  
9 on July 4th; correct?

10 A. Correct.

11 Q. Did this report get introduced into evidence  
12 at any hearing or any court proceeding of  
13 your divorce?

14 A. You could ask Mr. Potash, my attorney, how it  
15 was presented.

16 Q. You don't know if it was introduced into  
17 evidence?

18 A. It was threatened over my head by Mr. Mahaney  
19 in the presence of the judge. Now, whether  
20 he ever entered it into evidence, again, I  
21 can't tell you that. Okay?

22 Q. What did Mr. Mahaney do specifically?

23 A. Well, he was trying to establish that I was a  
24 bad guy, obviously. That's what goes on in



1 divorce. And he was using it as, Here he  
2 goes again, another incident.

3 Q. So it was discussed openly during the divorce  
4 proceedings?

5 A. The Yarmouth incident?

6 Q. Yes.

7 A. He asked me questions about it, yes. If I  
8 had recently got into a problem.

9 Q. Okay. In fact, he asked you if you'd been  
10 arrested recently, didn't he?

11 A. I don't remember specifically.

12 Q. And you hadn't recently been arrested;  
13 correct?

14 MR. ZAYOTTI: Objection.

15 A. I agree with your statement.

16 Q. (By Mr. Campbell) It would be fair to say  
17 then that if he asked you at one of the  
18 divorce proceedings if you had recently been  
19 arrested, you'd probably say no; correct?

20 MR. ZAYOTTI: Objection.

21 A. On that particular answer, yes.

22 Q. (By Mr. Campbell) And because, as far as you  
23 know, this whole thing that Yarmouth Police  
24 did does not constitute a formal arrest,

1 A. I disagree with your statement there is no  
2 way he knew about it.

3 Q. (By Mr. Campbell) Well, what I'm saying  
4 is -- that was a bad question. You're right.  
5 The final decree of divorce was entered on  
6 July 20, 2001; correct?

7 A. Correct.

8 Q. And at that time the arrangements pertaining  
9 to the division of your property and assets  
10 and the alimony and everything else was  
11 decided; correct?

12 A. Correct.

13 Q. So and the arrest was on July 4th; correct?

14 A. The, not arrest, whatever you're calling it.

15 Q. The Yarmouth Police incident?

16 A. It was July 4th, yes.

17 Q. You're right. Did the judge, Judge Patroni,  
18 ever mention the arrest or the incident or  
19 the protective custody detention?

20 A. Not to my knowledge.

21 Q. Was there ever anything in writing that you  
22 saw in connection with the divorce that  
23 referred to it?

24 A. Mr. Mahaney's letter to Mr. Potash.

1 Q. Was that letter given to the judge?

2 A. I don't know.

3 Q. What evidence do you have then that this  
4 incident resulted in a more favorable decree  
5 for your wife?

6 A. Well, what was going on -- what evidence do I  
7 have?

8 Q. Yes.

9 A. You'd have to ask the judge that or, you  
10 know, what was presented between the 4th and  
11 the 20th.

12 Q. Well, are you going to call Judge Patroni as  
13 a witness in this case?

14 A. I don't know if he's still alive.

15 Q. Are you going to call Mr. Potash as a witness  
16 in this case?

17 A. I don't know.

18 MR. ZAYOTTI: Objection. I mean, he  
19 can't answer that question.

20 A. Did we list it? I don't know.

21 Q. (By Mr. Campbell) Who else other than Judge  
22 Patroni and Attorney Potash would have the  
23 ability to say that Cindy Galvin got a better  
24 divorce as a result of the Yarmouth Police

1 actions?

2 A. It's an opinionated question. Anyone could  
3 say that.

4 Q. Okay. Well, the judge, when he issued the  
5 divorce, stated that he held you primarily  
6 responsible for the breakdown of the  
7 marriage; correct?

8 A. Correct.

9 Q. And when he did that, he didn't say anything  
10 about the recent incident in the Town of  
11 Yarmouth, did he?

12 A. I don't know.

13 Q. Well, did you ever read the judge's  
14 statements at the hearing?

15 A. I never read the decree, no.

16 MR. CAMPBELL: Well, your attorney gave  
17 it to me and we can mark it.

18 (The stenographer marked the document  
19 Exhibit No. 11 for identification.)

20 Q. (By Mr. Campbell) The judge made a finding,  
21 "The court believed the wife's testimony and  
22 found it clear and convincing that the  
23 defendant's behavior was the primary cause of  
24 the breakdown." Does that refresh your

1 memory?

2 A. As I said to you, I didn't read that.

3 Q. You were in the courtroom when he announced  
4 his decision; correct?

5 A. Well, what I heard was that --

6 MR. ZAYOTTI: Objection.

7 A. -- I was blamed for the divorce.

8 Q. (By Mr. Campbell) Your wife, it says here  
9 she described three marital affairs that he  
10 had. First one 15 years ago and the second  
11 ten years ago, but the third one was  
12 currently, approximately two years ago, with  
13 a person that worked with the Board of  
14 Education. Is this accurate? Did you have  
15 these three affairs?

16 A. The last one is accurate.

17 Q. Okay. That's the one with Ms. Corideo?

18 A. Correct.

19 Q. What is her job at the Board of Education?

20 A. She's retired. She was an English teacher.

21 Q. In what school?

22 A. Wilby.

23 Q. Is that how you met her, because you worked  
24 at Wilby also?

1 claimed exhibited, you know, excessive use of  
2 alcohol?

3 A. Right. She claimed certain things. Again,  
4 unsubstantiated. You know.

5 Q. She's talking about private incidents?

6 A. Yeah. I would say so, yeah.

7 Q. She's not talking about incidents that  
8 resulted in the police being involved;  
9 correct?

10 A. Well, I'm sure she was talking about those,  
11 that incident. Whether she made an actual  
12 referral, no, I'm not saying to the July 4th.

13 Q. Okay.

14 A. Okay? But whether she actually pinpointed  
15 dates and times and, you know, I don't think  
16 so. She was just making the allegations.

17 Q. What were the allegations, specifically?

18 A. That I was a no good S.O.B. who drank every  
19 day of the week and didn't go to work. You  
20 know. What am I going to say to that?  
21 Again, you would have to ask her.

22 Q. Well, I think it's a fair question. I mean,  
23 she apparently convinced the judge and he  
24 found it clear and convincing, so these

1 incident.

2 Q. Judge Patroni's divorce decree making a  
3 fifty-fifty split of your pension is dated  
4 July 20th and you've said, correct me if I'm  
5 wrong, you said earlier that some agency or  
6 board later split it in a way that was not  
7 fifty-fifty; correct?

8 A. You're an attorney. I'm not. Okay? And  
9 this became very confusing to me. I thought  
10 the decree was very clear, but whoever my  
11 attorney and her attorney agreed upon using,  
12 I guess it's required by law someone sits  
13 down and actually does the figures. You  
14 know. And that's, I mean, it's startling. I  
15 wish I was going to -- I would have retired.

16 Q. Well, the judge announces from the bench the  
17 result that you were shooting for with  
18 respect to your pension. Let's move on.

19 Is there anything else, any other aspect of  
20 the divorce decree that you think was  
21 unfavorably effected by the Yarmouth Police  
22 incident report?

23 A. Well, I think the whole thing was influenced.

24 Q. Can you tell me with any specificity how you

1           were hurt by it?

2           A.    It's the same way you established your  
3           opinion that you candidly stated.

4           Q.    So is it fair to say then that you don't have  
5           any testimony or documentation that connects  
6           the Yarmouth Police incident report with  
7           anything in terms of the division of assets?

8           A.    Is it fair to say that?

9                   MR. ZAYOTTI:  Objection.

10          A.    No, it's not fair to say.

11          Q.    (By Mr. Campbell)  What do you have in terms  
12          of documentation that connects the two?

13          A.    Mahaney's letter.

14          Q.    Did Mahaney's letter go to the judge?

15          A.    I think you're going to have to ask  
16          Mr. Mahaney that question.

17          Q.    Well, so you don't know then; correct?  You  
18          don't know the answer to that question?

19          A.    I have no way of knowing that.

20          Q.    Did Judge Patroni ever mention the Yarmouth  
21          Police incident report?

22          A.    I don't remember.

23          Q.    Have you ever seen any divorce court  
24          documents, state documents, salary documents,



1 school payroll documents, that mention the  
2 incident report?

3 A. Have I ever seen?

4 Q. Yes.

5 A. No.

6 Q. In fact, the only document -- in fact,  
7 there's no document whatsoever connected with  
8 your divorce file that makes a reference to  
9 the incident report, is there?

10 A. That's your opinion.

11 Q. Well, have you ever seen one? Are you aware  
12 of one?

13 A. I don't know every document in there.

14 Q. Are you aware of a single document that  
15 refers to the incident report?

16 A. Mahaney's letter.

17 Q. Okay. Anything else?

18 A. That I'm aware of? Well, with the wide  
19 circulation of the document with all  
20 allegations, where it went, who saw it, you  
21 know, that's one of the reasons why this is  
22 coming here.

23 Q. Okay. Well, I think you've answered the  
24 question. With respect to the school and

1 area that's very opinionated on both sides,  
2 I'm sure.

3 Q. Well, I mean, I guess I don't need to go  
4 through the rest of this decree then except  
5 to ask you if, again, there's anything, any  
6 one of the provisions of the decree that  
7 you're alleging was specifically related to  
8 the Yarmouth Police incident disclosure?

9 A. I can't climb inside the judge's head.

10 (A break was taken at 4:36 p.m.)

11 MR. CAMPBELL: Let's mark this. This is  
12 the, it's the judgement, the actual judgement  
13 itself.

14 (The stenographer marked the document  
15 Exhibit No. 12 for identification.)

16 Q. (By Mr. Campbell) We've now marked the  
17 document that I've been referring to as  
18 Exhibit 12. It's the Dissolution of Marriage  
19 Judgement-Uncontested. Obviously, you did  
20 contest some of the issues regarding the  
21 division of your assets during this divorce;  
22 correct?

23 A. Correct.

24 Q. In fact, that was the main issue, right?